

App. Ser. No. 09/915,184

Atty. Docket No. P1292

REMARKS

The Applicants thank the Examiner for accepting the terminal disclaimer filed on April 29, 2003. Claims 1, 7-12, 14, and 23-32 are pending. All claims stand rejected as being obvious over U.S. Published Patent Application US 2002/0106156 by Vail et al. in view of U.S. Patent No. 6,400,736 by Aherne et al.

Showing of Common Ownership

The undersigned states that the subject matter of U.S. Published Patent Application No. US 2002/0106156 by Vail et al. and the invention claimed in U.S. Patent Application Serial No. 09/915,184 were, at the time the invention of U.S. Patent Application Serial No. 09/915,184 was made, owned by the same person or subject to an obligation of assignment to the same person.

Rejection under 35 USC §112

Claims 31-32 stand rejected under 35 USC 112, second paragraph as being incomplete for omitting essential structural cooperative relationships of elements, namely between the laser diode and the fiber.

Claim 31 has been amended to indicate the relationship between the laser diode and the fiber as disclosed in originally filed claim 1. The undersigned believes this amendment does not add new matter, and overcomes this rejection. Reconsideration of these claims is respectfully requested.

Rejection under 35 USC §103(a)

Claims 1, 7-12, 14, and 23-32 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Published Patent Application US 2002/0106156 by Vail et al. ("Vail") in view of U.S. Patent No. 6,400,736 by Aherne et al. The Examiner has stated that Vail constitutes prior art only under 35 U.S.C. § 102(e). The undersigned believes the Showing of Common Ownership is in accordance with MPEP 706.02(1)(1) and 706.02(1)(2), and excludes the Vail reference as prior art. The Applicants respectfully request reconsideration of claims 1, 7-12, 14, and 23-32, and removal of this rejection.

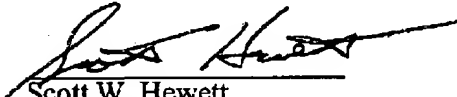
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Conclusion

The Applicants submit that all claims are now in condition for allowance. Favorable reconsideration and timely issuance of a Notice of Allowance is respectfully requested. The Examiner is invited to contact the undersigned if he has any questions regarding the Showing of Common Ownership, or if the Examiner requires further evidence of common ownership. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (707) 591-0789.

Respectfully submitted,


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